IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3314 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHADRESHKUMAR R VAKIL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3314 of 1993

MR CG SHARMA for Petitioner No. 1

MR SONAL VYAS AGP for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 01/08/2002

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. Apart from the fact that without extending an opportunity of hearing impugned order at Annexure-G dated 19.12.1991 came to be passed by the Deputy Secretary, Revenue Department, the matter is required to be disposed of in view of the fact that during the pendency and final disposal of this petition, ULC Act is repealed by the Act No.15 of 1999.

#. If the Act No.15 of 1999 had not come into force, then also the impugned order actually would have been quashed on the ground that the same was passed in violation of principles of natural justice. On merits also, the impugned order at Annexure-G was required to be quashed and set aside.

#. In view of the above discussion, this petition is allowed. Impugned order dated 19.12.1991 at Annexure-G is quashed and set aside. The possession of the land in question always remained with the petitioner, therefore, in view of the Repeal Act No.15 of 1999 coming into force this petition is disposed of. Rule made absolute accordingly with no order as to costs. Interim relief, if any granted earlier, stands vacated forthwith.

(B.J.Shethna, J.)

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